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AUG 10 1998

FEDERAL COMMUNICATIONS COMMISSION  
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August 10, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, Room 222  
Washington, DC 20554

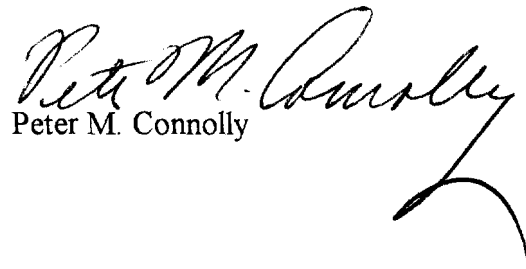
Re: In the Matter of Telephone Number Portability,  
C.C. Docket 95-116, NSD File No. L-98-84

Dear Ms. Salas:

Herewith transmitted on behalf of United States Cellular Corporation are an original and four copies of its "Preliminary Comments" in the above- referenced proceeding

In the event there are any questions concerning this matter, please contact the undersigned.

Very truly yours,

  
Peter M. Connolly

cc (w/encl.): Jeannie Grimes  
Michael Rosenthal  
ITS

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
 )  
**Telephone Number Portability** ) C.C. Docket 95-116  
 ) NSD File No. L-98-84  
To: The Common Carrier Bureau )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PRELIMINARY COMMENTS OF UNITED  
STATES CELLULAR CORPORATION**

United States Cellular Corporation ("USCC") hereby comments on the "Report on Local Number Portability Administration" filed with the Common Carrier Bureau by the relevant "working group" of North American Numbering Council ("NANC") (the "NANC Report"). USCC owns and/or operates cellular systems in 43 MSA and 100 RSA markets. Accordingly, USCC has a considerable interest in any action the FCC may take regarding provision of number portability by wireless carriers.

I. The NANC Report Underscores  
The Impossibility of Providing  
Service Provider Number Port-  
ability on a Non-Discriminating  
Basis By June 30, 1999

As has been noted previously, the wireless industry must provide "service provider" number portability beginning in the "top 100" MSAs by June 30, 1999, about eleven months from now.<sup>1</sup> The Cellular Telephone Industry Association has previously made a very

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<sup>1</sup> See First Memorandum Opinion and Order, 12 FCC Rcd 7236, 7313 (1997).

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strong case, which USCC supported, that that deadline cannot be met and should be delayed for at least nine months. CTIA has also sought forbearance from service provider number portability requirements for CMRS carriers until the five year PCS buildout period is completed.

USCC has no desire to repeat its own showing or those of CTIA at this time.

We comment separately now to underscore the extent to which the NANC Report supports the need for a delay in the imposition of this mandate if not forbearance from its imposition altogether. At the least, the NANC Report underscores the discriminatory impact which the imposition of service provider number portability as presently proposed will have on wireless carriers.<sup>2</sup>

The NANC Report demonstrates this disparate impact with a wealth of evidence with respect to the use of wireline "wire

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<sup>2</sup> It should always be borne in mind in considering the difficulties involved in implementing wireless number portability that contrary to the Commission's action in implementing the Section 251(b) number portability obligations of local exchange carriers, the FCC's action imposing number portability obligations on CMRS carriers in the first instance was not taken pursuant to any specific statutory mandate. Rather, it was an exercise of the Commission's independent discretionary authority under the Communications Act. Accordingly, the Wireless Bureau has the freedom to exercise its discretionary authority to delay a mandate which cannot be met by the initial deadline, despite best efforts on the part of all CMRS carriers and their industry associations. See First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8355 (1996).

centers" as limitations on the geographic scope of number portability and concerning "provisioning," i.e. the relative slowness with which wireline carriers will be required to "port" numbers to wireless carriers.

As is acknowledged in Section 3.1.1 of the NANC Report, fundamental differences exist between the local serving areas of wireline and wireless carriers, which will make "porting" numbers between them impossible for many customers.

In its Second Report and Order on number portability, the FCC recommended that the present geographic scope of number portability be limited to wireline established rate centers.<sup>3</sup> However, as is noted in the NANC Report, what this limitation means is that if a new wireless subscriber's NPA-NXX Code is not one of the codes associated with the particular rate center in their wireless service area, that number will not be able to be "ported" to the wireless carrier. This issue was left unresolved by the NANC Report but is crucial to the determination of whether to proceed with the local number portability requirements at all. Judging from the NANC Report and its attachments, there is, as yet, no solution to this "disparity" problem which is practical, achievable, and conserves the numbering resource.

This is not a minor matter. For wireless carriers, it will be of the greatest importance. Assuming, for the moment, the ultimate

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<sup>3</sup> See Second Report and Order, 12 FCC Rcd 12281.

value of number portability for wireless carriers it is vital that all their new customers be able to "port" their numbers to wireless carriers readily and efficiently. Until a method can be developed by which that can be accomplished, wireless carriers should not be required to incur the large costs which inevitably will be involved in developing the capacity.

The second unfair disparity which the NANC Report appears to accept is the one between the time it will take for wireless carriers to "port" the numbers of their former customers to wireline carriers and the time it will take to do the opposite. According to Section 3.3.2.3 of the NANC Report, it should take approximately 2½ hours to complete a "wireless to wireless" or presumably "wireless to wireline" port. However, at present, according to Section 3.3.2.4, it will take four days for wireline companies to complete a number port. If those intervals are applied to "wireless to wireline" and "wireline to wireless" number ports it will give wireline companies a considerable advantage based on their relative inefficiency. A four day delay in this process might well prompt cancellations of proposed number ports.

Again, the relative indifference to wireless concerns which the NANC Report reflects will make it very difficult to implement service provider number portability in a fair and efficient way.

#### **Conclusion**

The matters discussed above exemplify the FCC's failure to

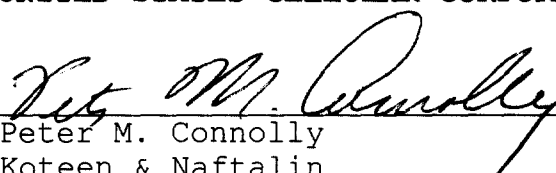
come to grips with the unique problems it will have in implementing number portability in a manner which is fair to wireless carriers.

If the FCC does not forebear from the number portability requirement altogether as it is applied to wireless carriers, the needs and requirements of those carriers should now receive the highest priority from the Commission as the December and June deadlines approach.

Respectfully submitted,

**UNITED STATES CELLULAR CORPORATION**

By:

  
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August 10, 1998

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